



City of Eugene
**CIVILIAN REVIEW BOARD &
POLICE COMMISSION JOINT MEETING**

It is the mission of the Civilian Review Board to provide fair and impartial oversight and review of internal investigations conducted by the City of Eugene Police Department involving allegations of police misconduct, use of force and other matters. The Board will strive to build trust and confidence within the community and to ensure that complaints are handled fairly, thoroughly and adjudicated reasonably. The Board will encourage community involvement and transparency in order to promote the principles of community policing in the City of Eugene.

The Police Commission recommends to the City Council, City Manager, police department, and the people, the resources, preferred policing alternatives, policies, and citizen responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership between the community and the police department that helps to achieve safety, justice and freedom for all people in Eugene.

Meeting Agenda
September 12, 2013

5:30 pm, Kilcullen Conference Room, Police Headquarters, 300 Country Club Road

	<u>Starting Time</u>	<u>Duration in Minutes</u>
1. Agenda and Materials Review	5:30	5
2. Public Comment	5:35	15
3. Comments from Board and Commission Members	5:50	15
4. CRB Case Review: Allegation that a sworn employee mishandled property from the police property room without the knowledge or consent of his supervisors	6:05	30
5. Discussion about CRB Review Process	6:35	10
6. CRB Selection of October Case Review and Training Topic	6:45	5
7. Break	6:50	10
8. Homelessness Perspectives Panel	7:00	55
9. Questions of the panel and next steps for staff	7:55	15
10. EPD Policy Review – Civil disputes	8:00	30
11. Adjourn	8:30	--



Police Commission

Memorandum

City of Eugene
300 Country Club Road
Eugene, Oregon 97401
(541) 682-5852

September 4, 2013

To: Members of the Police Commission
From: Carter Hawley, Police Commission Analyst
Subject: Material Review for September 12, 2013 Police Commission Meeting

Listed below are items on the upcoming Police Commission meeting. Please note this is the annual joint meeting with the Civilian Review Board.

Civilian Review Board Case Review

The Civilian Review Board (CRB) will undertake the review of an allegation against an EPD employee. The case material will be distributed at the meeting by Police Auditor Mark Gissiner. Before the review begins, a CRB member will explain the process through which they go, and the constraints of their review. Included in the packet are the municipal code sections related to the CRB.

Discussion of CRB Review and Process

The Police Commission and CRB can discuss the process and any questions can be answered.

Homelessness Perspectives Panel

Five members of the community have been invited to share their first-hand experiences of homelessness particularly as it relates to those places where it intersects with the police. Included in the packet is a memo which provides additional information on the panelists and the format of the panel discussion. After the panelists share their stories, there will be an opportunity for question and answers, and to provide additional direction for staff, in preparation for the Commission's discussion scheduled at its October meeting.

EPD Policy Review

The Commission will review the Civil Disputes policy. Review of the policy related to videotaping events was originally scheduled for this meeting, however the requested review by the City Attorney has not occurred. Additionally, there may be additional changes to the policy proposed by the Department, to address issues arising from a new videotape archival system being implemented at the Police Headquarters.

Additional Information in the Packet

Because of the joint meeting with the CRB, the Chief's Report to the Police Commission will be provided in print format in the packet, and no verbal presentation is scheduled on the agenda. Police Commissioners are encouraged to ask him questions during Commissioner Comments, or to send me questions via email. I will share the questions and responses in subsequent correspondence with the full Commission.

A draft memo from the committee which reviewed the applicants for the current Police Commission vacancy is included in your packet. Commissioner Walker will mention this during his comments. If there are no objections, the memo will be sent to the Mayor after the Commission meeting.

A copy of the Police Commission's work plan is included in the packet, for the information of the CRB.

Because of the joint meeting, the previous minutes of both the Police Commission and CRB will be reviewed a subsequent meeting.

2.240 Civilian Review Board – Established.

- (1) There is hereby established a civilian review board of not to exceed seven members, whose goal shall be to increase the transparency of, and public confidence in, the police complaint process. In general, the civilian review board shall evaluate the work of the independent police auditor, and may review completed complaint investigations involving sworn police employees to provide comment, from a civilian perspective, about whether the complaint was handled fairly and with due diligence.
- (2) It is intended that sections 2.240 through 2.246 and 2.450 through 2.456 will provide a system of independent oversight of the police complaint process and implement section 15-A of the Eugene Charter of 2002 as adopted by the city electorate on November 8, 2005.
- (3) Except where the context requires otherwise, the definitions contained in section 2.452 of this code govern the words and phrases used in sections 2.240 through 2.246 of this code.
- (4) The civilian review board shall serve as an advisory body to the city council.

(Section 2.240 added by Ordinance No. 20374, enacted December 13, 2006, effective January 12, 2007.)

2.242 Civilian Review Board – Qualifications and Appointments.

- (1) Qualifications.
 - (a) Members of the civilian review board shall be volunteers appointed by the city council, who immediately prior to appointment shall be:
 1. A resident of the city;
 2. Of the age of 18 years or older; and
 3. Able to pass a background investigation consistent with investigations conducted for other city volunteers who have similar access to police records and/or facilities.
 - (b) The following characteristics shall be considered by the city council when appointing members to the civilian review board:
 1. A demonstrated ability to be fair, impartial and unbiased;
 2. An absence of any real or perceived bias, prejudice or conflict of interest;
 3. A record of community involvement;
 4. An ability to build working relationships and communicate effectively with diverse groups; and
 5. A demonstrated commitment to the purpose of sections 2.240 through 2.246 and 2.450 through 2.456.
 - (c) Appointments to the civilian review board shall not be made on the basis of constituency or representation of any particular group. A candidate selection process that includes a community panel to review applications and recommend qualified candidates for city council consideration shall be developed by the mayor, in consultation with the police auditor, to help achieve a balanced membership.

- (d) Members of the civilian review board shall neither be a current employee of the city nor an immediate family member of a current city police employee.
 - (e) Civilian review board members shall participate in a training program to be developed by the police auditor.
 - (f) Members of the civilian review board shall agree in writing to a Statement of Principles and Code of Conduct, to be developed by the police auditor and reviewed and maintained in collaboration with the civilian review board.
 - (g) It is the intent that civilian review board members be free from personal liability for acts taken within the course and scope of carrying out their official duties and functions. The city will therefore defend and indemnify members to the maximum extent permitted under the Oregon Tort Claims Act and other applicable law.
- (2) Terms and Vacancies. Initial appointments shall be staggered as follows: If there are seven (7) members appointed, four (4) members shall be appointed to serve for two (2) years and three (3) members shall be appointed to serve for three (3) years; if there are five (5) members appointed, three (3) members shall be appointed to serve for two (2) years and two (2) members shall be appointed to serve for three (3) years. Except for the initial appointment, the term of each member of the civilian review board shall be three (3) years. No member shall serve more than three (3) consecutive terms. A vacancy that occurs during the term of a member shall be filled in the same manner as the original appointment, and the appointee shall serve for the remainder of the unexpired term.
- (3) Removal from Office.
- (a) A member of the civilian review board may be removed from office by the city council prior to the normal expiration of his/her term for consistent failure to perform civilian review board member duties, or violation of the Statement of Principles/Code of Conduct.
 - (b) Membership on the civilian review board shall terminate automatically if a member ceases to meet the qualification requirements as described in (1)(a)1, (1)(a)3, and (1)(d) above subsequent to his/her appointment.

(Section 2.242 added by Ordinance No. 20374, enacted December 13, 2006, effective January 12, 2007.)

2.244 Civilian Review Board – Powers and Duties.

- (1) In collaboration with the police auditor, the civilian review board shall establish policies, procedures and operating principles for the civilian review board.
- (2) The civilian review board may review the completed investigation and adjudication of complaints filed against sworn police officers at the request of a complainant, upon the recommendation of the police auditor, or at its own discretion upon a majority vote of its members.

- (a) The civilian review board shall develop criteria to decide whether to accept a case for review. However, the civilian review board may not accept a completed case that was previously reviewed as a community impact case as described in subsection (4) below.
 - (b) All materials concerning the completed investigations of cases the civilian review board has selected to review shall be made available to members for their confidential review.
 - (c) The civilian review board shall, at one of its regularly scheduled meetings, report on such case(s), which may include comments on the handling of the complaint, the fairness and thoroughness of the investigation, and the reasonableness of the adjudication.
 - (d) The comments and any related policy or procedural issues identified by the civilian review board in the course of its case review shall be provided to the police auditor for further consideration.
- (3)** The civilian review board may review a random selection of closed cases.
- (4)** Upon the adjudication of a complaint that the police auditor has identified and the civilian review board has accepted as a community impact case, members of the civilian review board shall be provided all materials concerning the case for their confidential review. Within 14 days of receiving the case, the civilian review board shall meet to discuss and present its determinations on the case. Within 30 days of receiving the case the civilian review board shall do one or more of the following:
- (a) Concur with the case adjudication;
 - (b) Develop recommendations regarding the handling of the complaint and the investigation process, and/or identify other relevant policy or procedural issues for further consideration;
 - (c) Require the city to reopen the investigation if it finds either:
 - 1. The investigation was incomplete or inadequate, and the civilian review board has reason to believe that additional investigation is likely to reveal facts that could change the case adjudication; or
 - 2. The adjudication reached by the city is not supported by substantial evidence.

When the civilian review board has voted to re-open a community impact case, the police auditor shall inform the civilian review board of the subsequent investigation conducted and the final adjudication decision.

- (5)** The civilian review board shall notify complainant(s) and involved employee(s) of its decisions on whether to accept a case for review, and shall inform the complainant of its conclusions on the case.
- (6)** The civilian review board shall review trends and statistics of complaints against sworn police officers and civilian police employees and may develop recommendations to improve the complaint intake and handling process.

- (7) The civilian review board shall evaluate the work of the auditor's office. In that regard the civilian review board:
 - (a) Shall establish criteria by which to evaluate the work of the police auditor;
 - (b) Shall review, comment on, and assist in maintaining policies, procedures and operating principles for the auditor's office and the civilian review board;
 - (c) Shall monitor status reports from the police auditor; and
 - (d) May conduct periodic evaluations of the complaint intake and handling system to identify process improvements and/or ensure complaints are being treated fairly and with due diligence.
- (8) The civilian review board may provide a forum to gather community concerns about incident-specific police actions and may receive and forward complaint information to the auditor's office for processing.

(Section 2.244 added by Ordinance No. 20374, enacted December 13, 2006, effective January 12, 2007.)

2.246 Civilian Review Board – Officers, Meetings, and Procedures.

- (1) The civilian review board shall annually elect from among its membership a chairperson and a vice-chairperson who shall serve in that position for no more than three (3) consecutive one-year terms.
- (2) The civilian review board shall nominate one of its members to serve jointly on the civilian review board and the police commission, which nomination shall be subject to the approval or rejection of the city council.
- (3) The auditor's office shall be liaison to, and provide staff support for, the civilian review board.
- (4) The civilian review board may appoint from its membership committees as necessary to perform its duties.
- (5) The civilian review board shall hold regular meetings with an opportunity for public comment at least quarterly, and the civilian review board and its committees may hold additional meetings as necessary. No business of the civilian review board shall be conducted at a meeting without at least a quorum of three (3) members on a five (5) member board or four (4) members on a seven (7) member board present. All actions of the civilian review board shall be made upon a simple majority vote of the members present.
- (6) Meetings of the civilian review board shall be open to the public except when executive sessions are authorized by law and the civilian review board has determined an executive session is necessary or desirable in order to carry out its business. To facilitate the transparency of the civilian review board's activities, the police auditor will develop and present case summaries and status reports in a manner that allows review and discussion in open session, to the maximum extent practicable.
- (7) The civilian review board shall prepare and present an annual report to the city council that:

- (a) Summarizes the civilian review board's activities, findings and recommendations during the preceding year;
 - (b) Assesses the performance of the police auditor consistent with section 2.244(7); and
 - (c) Evaluates the work of the auditor's office, including whether the auditor's office is functioning as intended.
- (8)** The civilian review board may develop additional reports deemed necessary by it, or as requested by the city council. All reports generated by the civilian review board shall strive to protect the privacy of all individuals and shall not contain the names of parties to a complaint (employees, complainants and/or witnesses) not previously disclosed. The city council shall review and take appropriate action on reports submitted by the civilian review board.
- (9)** In collaboration with the auditor's office, the civilian review board may conduct education and outreach activities to inform the community about the process for filing complaints and commendations about police employees. The civilian review board and police auditor shall work together to develop and disseminate information and forms regarding the police complaint handling and review system.
- (10)** The civilian review board, or its individual members, may not:
 - (a) Investigate complaints or incidents involving police employees;
 - (b) Issue subpoenas or call witnesses;
 - (c) Review employee discipline decisions except in the context of reviewing trend reports from the auditor's office consistent with section 2.454(1)(f)3.; or
 - (d) Incur city expenses or obligate the city in any way without the prior authorization of the police auditor or city council.

(Section 2.246 added by Ordinance No. 20374, enacted December 13, 2006, effective January 12, 2007.)

MEMORANDUM

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Date: August 30, 2013
To: Police Commission
From: Carter Hawley, Police Commission Analyst
Subject: Homelessness Perspectives Panel

At the July Police Commission meeting, the Commission discussed the work item related to the community issue of homelessness. It was determined that the Chair would work with staff to coordinate a panel presentation at the September meeting.

The intent of the panel is to provide several perspectives about the impact of homelessness and policing in our community. These panelists were selected to provide information about their experiences related to homelessness and policing. If the Commission wishes to hear from the public beyond the opportunity provided at the public comment agenda item, a public forum or discussion can be scheduled and advertised for a subsequent meeting.

Five panelists have been arranged to provide their stories and perspectives. They are not intended to be representatives, or to speak on behalf of everyone, but each has first-hand experience to share.

The panelists include the following people:

- Pastor Dan Bryant – Opportunity Village board member
- Jessica Thomason – Business Owner
- Ricardo – Person experiencing homelessness
- Cpt. Sam Kamkar – Police
- Tom Happy – Resident

Each panelist will be given the opportunity to describe their story and experience for about five minutes. The Commissioners can then ask questions about their experiences. These panelists have been selected for their willingness to share their story and were not asked to be prepared to offer their opinions about problem or solutions.

A copy of regulations and laws which frequently impact people experiencing homelessness will be included in the packet for your information.

After the 55 minute panel presentation, the Commission is scheduled to discuss any additional information that would be helpful for the October discussion.

Eugene Policies and Laws Which Affect People Experiencing Homelessness

4.190 Eugene Code - Consumption or Possession in Unlicensed Public Places Prohibited.

- (1)** Except as provided in subsections (2), (3), and (4) of this section, consumption of alcoholic liquor or possession of an open alcoholic beverage container is prohibited in a public place and on private property extended to the public for use, and no person shall drink, consume alcoholic liquor, or possess an open alcoholic beverage container in such a place or on such property, unless authorized by the Oregon Liquor Control Commission or other provisions of this code.
- (2)** Alcoholic liquor may be drunk or consumed in any place licensed, in advance, for that purpose by the commission.
- (3)** Malt beverages and alcoholic liquor other than hard liquor may be drunk or consumed within city parks or county parks within the city limits, provided such drinking or consumption takes place only as authorized by the director of parks and recreation of the city pursuant to a park rule adopted in accordance with provisions of sections 2.019 et seq. of this code and so long as, if required by state law, the activity has been licensed, in advance, for drinking or consumption purposes by the commission.
- (4)** During a period commencing four hours before the start of a scheduled collegiate football game at Autzen Stadium and when the game is completed, malt beverages and alcoholic liquors may be drunk or consumed:
 - (a)** In the state-owned parking lots immediately adjacent to Autzen Stadium; and
 - (b)** On property extended for use as a parking facility not covered by subsection (4)(a) and located within the area bounded as depicted on the map 4.190(4)(b) appended to this chapter and attached to the ordinance amending this provision, provided the responsible person, who may be the property owner or person with authority over parking operations on the property, has posted signs at each entrance to the property and distributes to each driver using the property a handbill, containing the following language:
 1. It is illegal to consume alcoholic liquor or possess an open alcoholic beverage container in a public place or on private property extended to the public for use;
 2. An exemption is provided for the consumption of alcoholic beverages on this property during the time period commencing four hours before the start of a scheduled collegiate football game at Autzen Stadium and ending when the game is completed;
 3. The exemption applies only to the parking area on this property;
 4. Providing alcohol to minors and consumption of alcohol by minors is prohibited;
 5. The sale of alcohol is prohibited;
 6. Disorderly conduct will not be tolerated; and
 7. Persons violating the law or creating a nuisance are subject to eviction and loss of parking privileges pursuant to the authority of the property owner or parking lot operator.

The type-face for the signs shall be clear and legible and use a type-face with letters at least two inches high. The type-face for the handbills shall be clear and legible and use at least a 12 point font. The exemption authorized by this subsection (b) applies only to property of responsible persons, who may be property owners or persons with authority over parking operations on the property, who have requested the exemption using a form developed by the City.

The request form shall require the property address where the exemption will apply, the name of the responsible person, and the mailing address for the responsible person. It shall be the responsible person's obligation to update the mailing address by informing the City of any changes. Exemptions are not transferable.

(Section 4.190 amended by Ordinance No. 16961, enacted January 7, 1974; Ordinance No. 19092, enacted February 9, 1983; Ordinance No. 19221, enacted February 8, 1984; Ordinance No. 19686, enacted May 14, 1990; administratively amended by Ordinance No. 20015, enacted May 22, 1995, effective June 21, 1995; and amended by Ordinance No. 20392, enacted September 26, 2007, effective October 26, 2007.)

4.770 Eugene Code - Urinating or Defecating.

No person shall urinate or defecate in, or in view of, a public place, except in a lavatory.

(Section 4.770 added by Ordinance No. 19268, enacted July 23, 1984.)

4.805 Eugene Code - Trespassing -

Definitions. As used in sections 4.806 to 4.810, except as the context requires otherwise:

"Building," in addition to its ordinary meaning, includes any booth, vehicle, boat, aircraft or other structure adapted for overnight accommodation of persons or for carrying on business therein. Where a building consists of separate units, including, but not limited to, separate apartments, offices or rented rooms, each unit is, in addition to being a part of such building, a separate building.

"Coach" means a person who instructs or trains members of a team or directs the strategy of a team participating in a sports event.

"Dwelling" means a building which regularly or intermittently is occupied by a person lodging therein at night, whether or not a person is actually present.

"Enter or remain unlawfully" means:

- (a) To enter or remain in or upon premises when the premises, at the time of such entry or remaining, are not open to the public or the entrant is not otherwise licensed or privileged to do so; or
- (b) To fail to leave premises that are open to the public after being lawfully directed to do so by the person in charge; or
- (c) To enter premises that are open to the public after being lawfully directed not to enter the premises.

"Inappropriate behavior" means:

- (a) Engaging in fighting or in violent, tumultuous or threatening behavior;
- (b) Violating the rules of conduct governing coaches, team players and spectators at a sports event;
- (c) Publicly insulting another person by abusive words or gestures in a manner intended to provoke a violent response; or
- (d) Intentionally subjecting another person to offensive physical contact.

"Open to the public" means premises which by their physical nature, function, custom, usage, notice or lack thereof or other circumstances at the time would cause a reasonable person to believe that no permission to enter or remain is required.

"Person in charge" means a person, or a representative or employee of the person who has lawful control of premises by ownership, tenancy, official position or other legal relationship. It includes, but is not limited to the person, or holder of a position, designated

as the person or position-holder in charge by the Governor, board, commission or governing body of any political subdivision of this state.

"Premises" includes any building and any real property, whether privately or publicly owned.

"Spectator" means any person, other than a team player or coach, who attends a sports event.

"Sports official" means a person who:

- (a) Serves as a referee, umpire, linesman or judge or performs similar functions under a different title; and
- (b) Is a member of, or registered by, a local, state, regional or national organization that engages in providing education and training in sports officiating.

(Section 4.805, amended by Ordinance No. 16270, enacted July 12, 1971; Ordinance No. 19462, enacted April 13, 1987; Ordinance No. 19500, enacted September 28, 1987; and Ordinance No. 20308, enacted and effective February 9, 2004.)

4.806 Criminal Trespass in the Second Degree by a Guest. A guest commits the crime of criminal trespass in the second degree if that guest intentionally remains unlawfully in a transient lodging after the departure date of the guest's reservation without the approval of the hotelkeeper. "Guest" means a person who is registered at a hotel and is assigned to transient lodging, and includes any individual accompanying the person.

(Section 4.806 added by Ordinance No. 19462, enacted April 13, 1987.)

4.807 Criminal Trespass in the Second Degree. A person commits the crime of criminal trespass in the second degree if the person enters or remains unlawfully in a motor vehicle or in or upon premises.

(Section 4.807 added by Ordinance No. 19462, enacted April 13, 1987; amended by Ordinance No. 20348, enacted July 25, 2005, effective August 25, 2005.)

4.808 Criminal Trespass in the First Degree.

- (a) Enters or remains unlawfully in a dwelling;
 - (b) Enters or remains unlawfully in or upon premises that have been determined to be not fit for use under ORS 453.855 to 453.912 as provided by administrative rules adopted by the city manager under section 2.019 of this code;
 - (c) Having been denied future entry to a building pursuant to a merchant's notice of trespass, reenters the building during hours when the building is open to the public with the intent to commit theft therein; or
 - (d) Enters or remains unlawfully upon railroad yards, tracks, bridges or rights of way.
- (2)** Subsection (1)(b) of this section does not apply to the owner of record of the premises if:
- (a) The owner notifies the law enforcement agency having jurisdiction over the premises that the owner intends to enter the premises;
 - (b) The owner enters or remains on the premises for the purpose of inspecting or decontaminating the premises or lawfully removing items from the premises; and
 - (c) The owner has not been arrested for, charged with or convicted of a criminal offense that contributed to the determination that the premises are not fit for use.

(Section 4.808 added by Ordinance No. 19462, enacted April 13, 1987; amended by Ordinance No. 20245, enacted January 14, 2002, effective February 15, 2002; Ordinance No. 20256, enacted June 12, 2002, effective July 12, 2002; and Ordinance No. 20308, enacted and effective February 9, 2004.)

4.809 Criminal Trespass While in Possession of Firearm. A person commits the crime of criminal trespass while in possession of a firearm who, while in possession of a firearm, enters or remains unlawfully in or upon premises.
(Section 4.809 added by Ordinance No. 19462, enacted April 13, 1987.)

4.815 Eugene Code - Prohibited Camping.

- (1) As used in this section:
 - (a) "To camp" means to set up or to remain in or at a campsite.
 - (b) "Campsite" means any place where any bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.
- (2) It is found and declared that:
 - (a) From time to time persons establish campsites on sidewalks, public rights-of-way, under bridges, and so forth;
 - (b) Such persons, by such actions create unsafe and unsanitary living conditions which pose a threat to the peace, health and safety of themselves and the community; and,
 - (c) The enactment of this provision is necessary to protect the peace, health and safety of the city and its inhabitants.
- (3) No person shall camp in or upon any sidewalk, street, alley, lane, public right-of-way, park or any other publicly-owned property or under any bridge or viaduct, unless otherwise specifically authorized by this code or by declaration of the Mayor in emergency circumstances.
- (4) Upon finding it to be in the public interest and consistent with council goals and policies, the council may, by motion, exempt a special event from the prohibitions of this section. The motion shall specify the period of time and location covered by the exemption.

(Section 4.815 amended by Ordinance No. 19163, enacted July 11, 1983; and Ordinance 20062, enacted September 16, 1996, effective October 16, 1996.)

4.816 Eugene Code - Permitted Overnight Sleeping.

- (1) Notwithstanding any other provision of this code:
 - (a) Persons may sleep overnight in a vehicle, camper or trailer in a parking lot of a religious institution, place of worship, business or public entity that owns or leases property on which a parking lot and occupied structure are located, with permission of the property owner. The property owner may not grant permission for more than three vehicles used for sleeping at any one time.
 - (b) Persons may sleep overnight in the back yard of a single family residence in a residential zoning district, with permission of the owner and tenant of the residence. Not more than one family may sleep in any back yard, and not more than one tent or camping shelter may be used for sleeping in the back yard. As an alternative, but not in addition to sleeping overnight in the back yard, not more than one family may sleep in a vehicle, camper or trailer parked in the driveway of a single family residence in a residential zoning district, with permission of the owner and tenant of the residence. For purposes of this subsection, "family" means persons related by blood or marriage, or no more than two unrelated adults.
 - (c) Persons may sleep overnight in a vehicle, camper or trailer on a paved or graveled surface located on a vacant or unoccupied parcel, with the permission of the property owner, if the owner registers the site with the city or its agent. The city may require the site to be part of a supervised program operated by

- the city or its agent. The property owner may not grant permission for more than three vehicles used for sleeping at any one time.
- (2) A property owner who allows a person or persons to sleep overnight on a property pursuant to subsections (1)(a), (1)(b) or (1)(c) of this section shall:
 - (a) Provide or make available sanitary facilities;
 - (b) Provide garbage disposal services as required by sections 6.050 and 6.055 of this code;
 - (c) Provide a storage area for campers to store any personal items so the items are not visible from any public street;
 - (d) Require a tent or camping shelter in a backyard to be not less than five feet away from any property line; and
 - (e) Not require payment of any fee, rent or other monetary charge for overnight sleeping, as authorized by this section.
 - (3) A property owner who permits overnight sleeping pursuant to subsection (1) and (2) of this section, may revoke that permission at any time and for any reason. Any person who receives permission to sleep on that property as provided in this section shall leave the property immediately after permission has been revoked.
 - (4) Notwithstanding any other provision of this section, the city manager or the manager's designee may:
 - (a) Prohibit overnight sleeping on a property if the city finds that such an activity on that property is incompatible with the uses of adjacent properties or constitutes a nuisance or other threat to the public welfare; or
 - (b) Revoke permission for a person to sleep overnight on city-owned property if the city finds that the person has violated any applicable law, ordinance, rule, guideline or agreement, or that the activity is incompatible with the use of the property or adjacent properties.
 - (5) The city manager or the manager's designee may impose administrative civil penalties on property owners who fail to comply with the requirements of subsections (1) and (2) of this section, as provided in section 2.018 of this code.
 - (6) In addition to any other penalties that may be imposed, any campsite used for overnight sleeping in a manner not authorized by this section or other provisions of this code shall constitute a nuisance and may be abated as such. As used in this section, "campsite" has the meaning given in section 4.815 of this code.
 - (7) The city manager may adopt administrative rules in the manner provided in section 2.019 of this code to implement this section.
 - (8) With authorization from the city manager or designee in connection with a specific special event, persons may sleep overnight on public property which has a community center, swimming pool, or other city-operated athletic facility located thereon at which the special event is being held. The authorization shall be limited to no more than eight days in any two-week period.
 - (9) Nothing in section 4.815 or 4.816 of this code creates any duty on the part of the city or its agents to ensure the protection of persons or property with regard to permitted overnight sleeping.

(Section 4.816 added by Ordinance No. 20130, enacted August 5, 1998; and amended by Ordinance No. 20255, enacted June 10, 2002, effective July 10, 2002.)

4.870 Eugene Code -Downtown Activity Zone – Purpose.

- (1) Eugene's downtown activity zone has been developed to renew, preserve, and enhance the economic and aesthetic value of the city's central business district and to provide facilities conducive to a harmonious blend of civic, social, cultural, residential, and economic pursuits. Streets, sidewalks and public areas are designed and constructed in a manner to encourage pedestrian oriented activities, including economic and commercial activities, and to provide a pleasant place for civic and cultural events, a public market, and an urban park. One significant purpose of the

downtown activity zone is to enhance the economic vitality of adjacent property. For that reason, the former downtown mall has been reopened to vehicular traffic, and a larger area has been defined. This area is intended to encourage private investment in the downtown area and to enhance the value of such investments by encouraging pedestrians to come to the area. The multiple uses of the public pedestrian areas in the downtown activity zone are to be accommodated by reserving different areas (1) as visual amenities designed for everyone's enjoyment, (2) for pedestrian uses, (3) for use by abutting merchants, (4) for uses by other commercial pursuits and (5) for public events. When compatible, such uses may also occupy the same areas of the downtown activity zone.

- (2) Within the downtown activity zone, a core area has been identified as requiring additional regulation. This core area includes a concentration of public facilities (including urban parks and plazas, a transit station and a new public library) as well as the area where the former downtown mall was located. It has traditionally received a high demand for multiple public uses, and that demand is expected to continue and increase in the future. Because of recent changes to the area, this downtown core area requires greater protection to preserve and enhance its unique qualities and uses, and additional duties and responsibilities are therefore required of permittees and owners of property located within the boundaries of the area including, but not limited to, those set forth in section 3.344(4).

(Section 4.870 added by Ordinance No. 16614, enacted September 11, 1972; amended by Ordinance No. 19354, enacted September 18, 1985; Ordinance No. 19605, enacted February 27, 1989; Ordinance No. 20196, enacted May 8, 2000, effective June 7, 2000; and Ordinance No. 20303, enacted November 24, 2003, effective December 24, 2003.)

4.871 Downtown Activity Zone - Definitions. For purposes of sections 4.870 to 4.872 of this chapter, the following words shall have the meanings ascribed to them by this section:

Admission. A monetary fee charged for the privilege of attending, observing, or participating in an activity, event, or performance occurring in or upon public pedestrian areas in the downtown activity zone. "Admission" includes a monetary fee charged on a fixed basis or a donation basis. The charging of "admission" prevents those persons who have not paid the monetary fee from accessing the area in which the activity, event, or performance is occurring. Where access to the area is not restricted, "admission" does not include soliciting donations during an activity, event, or performance.

Authorized activity. Any activity for which a downtown activity permit has been issued or a city-sponsored activity.

City manager. The city manager or the city manager's designee.

City-sponsored event. An activity carried out by a city employee in the performance of assigned duties or an activity authorized by the city manager or city council to use the city's name.

Commercial pursuits. Any activity related to or connected with trade, commerce or fund raising involving the receipt of money or property, such as, but not limited to: advertising, displaying, distributing, selling, taking orders or offering to sell or take orders for goods or services; providing a place for customers to sit; fund raising activities; activities, events, and performances for which admission is charged; activities related to construction or demolition on abutting private premises.

Display. Visual portrayals or physical objects affixed to or standing upon public property within the downtown activity zone, including but not limited to signs, pictures, markers, inscriptions, and objects that are inanimate or mechanically or electronically animated but which remain stationary in location.

Downtown activity permit. A permit applied for and issued in accordance with section 3.341 of this code.

Downtown activity zone. Publicly-owned property and rights-of-way located within the area bounded by the centerlines of Sixth Avenue, Lincoln Street, Eleventh Avenue, and High Street, including all public improvements located therein.

Downtown core. Publicly-owned property and rights-of-way located within the area bounded by a line that runs from the intersection of 10th Avenue and Pearl Street, north to 8th Avenue, west on 8th Avenue to Lincoln Street, south on Lincoln Street to 10th Avenue, east on 10th Avenue to Charnelton Street, south on Charnelton Street to 11th Avenue, east on 11th Avenue to Willamette Street, north on Willamette Street to 10th Avenue, and east on 10th Avenue to Pearl Street, including sidewalks on both sides of the streets and avenues that define the area and all public improvements located therein.

Fund raising. Actions which directly or indirectly request anything of value from persons with whom the requestor has not been previously associated as a family member, friend or companion, and the resulting proceeds are given to a person, entity or organization other than the person engaged in the fund raising activity. "Fund raising" does not include personal solicitation.

Impede. To prevent progress or movement, or to engage in an activity that would deter a reasonable person from progressing or moving in the area of the activity.

Interferes with. A person "interferes with" an authorized activity if that person does one or more of the following:

- (a) Enters in or upon and uses an area of the downtown activity zone which has been reserved for an authorized activity for a purpose other than in accordance with the authorized use;
- (b) Engages in conduct which imminently threatens to cause or causes a speaker or performer to cease speaking or performing or threatens to cause or causes an audience to be unable to hear the speaker or performer(s);
- (c) Except when viewing or participating in an authorized activity, engages in conduct within 20 feet of an authorized activity which prevents reasonable people with normal sensitivities participating in the properly authorized activity from carrying on a normal conversation.

Newspaper dispenser. A box or other vending device that displays, holds or dispenses newspapers, flyers, brochures, pamphlets, newsletters or other written materials to the public, with or without requiring payment, and is intended to remain stationary in location.

Noise disturbance. A noise disturbance which is plainly audible to two or more persons who are located within a room with all windows and doors to the outside shut which is in a building open for business and is located within the boundaries of or is abutting the downtown core. The definitions of section 4.080(1) of this code shall apply to this definition.

Permittee. Includes any person designated as the applicant in the application for the downtown activity permit and any employee, agent, representative or volunteer assisting with an authorized activity.

Public pedestrian area. Any public sidewalk, alley, plaza, and park, excluding public areas under the primary control of entities other than the city. It also includes public streets during the time streets are closed to vehicular traffic for a city-sponsored or permitted event.

Street entertainment. The conducting of, presenting, or participating in musical, theatrical, cinematic, choreographic or athletic performances for which no admission is charged, and no specific area of public property is reserved for its use.

Written material. Any literature, pamphlet, packaging or similar material intended to communicate any message through writing.

(Section 4.871 added by Ordinance No. 16614, enacted September 11, 1972; amended by Ordinance No. 19354, enacted September 18, 1985; Ordinance No. 19605, enacted February 27, 1989; Ordinance No. 19914, enacted April 26, 1993, effective May 26, 1993; administratively amended by Ordinance No. 20113, enacted April 6, 1998, effective May 6, 1998; amended by Ordinance No. 20196, enacted May 8, 2000, effective June 8, 2000; Ordinance No. 20303, enacted November 24, 2003, effective December 24, 2003; and Ordinance No. 20322, enacted May 25, 2004, effective June 24, 2004.)

4.872 Downtown Activity Zone - Prohibited Acts.

- (1)** Except when approved as part of an authorized activity, the following acts are prohibited in the public pedestrian areas within the downtown activity zone:
 - (a) Interfering with an authorized activity.
 - (b) Impeding access to any public pedestrian area or to any public or private building adjacent to the public pedestrian area.
 - (c) Engaging in a commercial pursuit, except for personal solicitation and street entertainment.
 - (d) Placing a display.
 - (e) Placing a newspaper dispenser:
 1. Within ten feet of a street corner;
 2. Within one foot of a street curb;
 3. Within one foot of, or connected or affixed by any means to, a sidewalk fixture, such as a light pole, bicycle rack, planter, bench or art work;
 4. Except with the permission of the person in charge of the building, between the central traveled portion of the adjacent sidewalk and any window abutting a public pedestrian area; or
 5. Within the central traveled portion of the sidewalk or in any other location likely to impede pedestrian traffic.
 - (f) Setting up or operating a public address system or other amplified sound equipment.
- (2)** In addition to the acts prohibited in subsection (1) of this section, except when approved as part of an authorized activity, the following acts are prohibited in the public pedestrian areas in the downtown core:
 - (a) Climbing any tree.
 - (b) Except for stairways, climbing any structure that is more than six feet in height on any side.
 - (c) Climbing any structure in such a manner as to create a danger of personal injury or property damage.
 - (d) Leaving a dog or other animal unattended, whether leashed or unleashed.
 - (e) Creating or continuing a noise disturbance.
 - (f) Entering into a landscaped planting area or acting in a manner harmful to any plant life, including walking, lying or sitting in a landscaped planting area. A "landscaped planting area" is any public area set aside for planting of trees, shrubs, flowers or other vegetation, except grass.
 - (g) Setting up any temporary structures or enclosures, including but not limited to canopies, tents or tables, or restricting access to any portion of the public pedestrian area so that other persons may not freely enter such area.
 - (h) Picking or cutting flowers or other vegetation from landscaped planting areas.
 - (i) Allowing a child who is in one's charge and is under 12 years old to violate any provision of this section or of section 3.344.

(Section 4.872 added by Ordinance No. 16614, enacted September 11, 1972; amended by Ordinance No. 19354, enacted September 18, 1985; Ordinance No. 19605, enacted February 27, 1989; Ordinance No. 19841, enacted April 15, 1992, effective May 19, 1992; administratively amended by Ordinance No. 19914, enacted April 28, 1993, effective May 28, 1993; amended by Ordinance No. 19969, enacted July 21, 1994; Ordinance No. 20196, enacted May 8, 2000, effective June 8, 2000; Ordinance No. 20303, enacted November 24, 2003, effective December 24, 2003; Ordinance No. 20322, enacted May 25, 2004, effective June 24, 2004; and administratively amended September 9, 2004.)

5.425 Eugene Code - Right Angles.

A pedestrian shall cross a street at a right angle, unless crossing within a crosswalk.

(Section 5.425, formerly section 5.470, renumbered by Ordinance No. 17690, enacted June 28, 1976.)

EPD Policy - PROHIBITED CAMPING – Policy 308.18F

This policy is designed to provide guidelines for handling incidents of camping in the city (refer Eugene Code 4.815 and 4.816).

PART I - Responsibilities and Procedures for All Personnel

Camping in vehicles

Camping on private property

Camping on public property

PART I - Responsibilities and Procedures for All Personnel

A. Camping in vehicles

1. A person may violate EC 4.815 if a vehicle is being used as a temporary place to live, is on public property, and meets the definition of a “campsite” as defined in the ordinance. It is not a violation merely to sleep in a vehicle parked at the side of the road.
2. We will deal with camping in vehicles only when a complaint is received. All complaints in which the sole issue is illegal camping will be referred to the City’s contract facilitator. If s/he is unable to resolve the matter, it will then be referred to Patrol for dispatch and enforcement.
3. If an illegal camping incident is referred to you, you may cite the person in lieu of custody. You may make a custody arrest (consistent with other department policies) only if the violation is a “willful violation” as defined in EC 4.990. In order for the offense to be a willful violation, you must show that:
 - a. the person was cited for violation of EC 4.815 within the 30 days preceding the current violation, **or**
 - b. the person was issued a written warning that s/he was violating EC 4.815 by a peace officer or other person authorized by the City Manager to give such warnings.
4. If you issue a warning, use the “PUBLIC NOTICE OF ILLEGAL CAMPING” form and document the warning in an Incident Report so that appropriate follow-up action can be taken.
5. If you tow the involved vehicle, use the “Impound Report.”
 - a. Ensure that the warning or prior enforcement action have taken place.
 - b. On the front, check the box marked “Prohibited Camping willful violation, EC4.815, 4.990(8)”
 - c. If the violator is present, deliver a copy of the Impound Report.
 - d. Tell the violator that important information is on the back of the form, especially:
 - o They have the right to challenge the validity of the tow in Municipal court
 - o They are excluded from paying the administrative fee for the recovery of the vehicle
6. If there is personal property that does not get impounded with the vehicle and cannot be removed by the person, follow section C.1.d. below.
7. Copies of the police report will be routed to Court Liaison Clerk for notifications of the impound
8. Court Liaison Clerk will ensure the following process is followed:

- a. Mail a cover letter and a copy of the Release Instructions via certified mail within 48 hours excluding Saturdays Sundays and holidays to the registered owner of the vehicle
- b. Mail a copy of the form and release instructions to any leasor or security interest holder
- c. Prior to mailing ensure that the information sent includes:
 - o the name of the Eugene Police Department as the impounding agency
 - o the location of the impounded vehicle
 - o a description of procedures to obtain the vehicle release the procedure for requesting a hearing to contest the validity the impoundment
 - o a statement that the vehicle is subject to towing and storage fees and that the vehicle and its contents are subject to a lien to cover those costs
- d. Track the date of mailing of notices sent

B. Camping on private property

1. Camping on private property without the owner's permission should be handled as a trespass complaint.
2. Owners of private property may allow individuals to camp, provided they do so in a manner consistent with provisions of EC 4.816. Other camping done on private property may violate zoning ordinances. In this case, contact the Planning and Development Department.

C. Camping on public property

1. Enforcement
 - a. Except in City parks or in cases involving a vehicle as noted above, when you initially contact prohibited camping ordinance violators and you intend to enforce the camping ordinance:
 - o Post the area with a notice in English and Spanish advising the violators they have 24 hours to quit camping. (This same notice will list a local agency that delivers social services to homeless individuals. If there is no place to post the notice, give it directly to the violator.)
 - o Notify the agency listed on the posting of the campsite's location.
 - o Obtain a case number and prepare a police report documenting your investigation to this point. Prepare a follow-up report after you have made your follow-up visit to the campsite.
 - b. The 24 hour notice requirement as described above does NOT apply:
 - o when you believe illegal activities other than violation of the camping ordinance are occurring, or
 - o in the event of an exceptional emergency such as possible site contamination by hazardous materials or when there is immediate danger to human life or safety.
 - c. Once the 24-hour period has elapsed and you intend to take enforcement action:
 - o Order those present to move immediately.
 - o Cite or arrest the offenders if they refuse to move.
 - d. Take custody of the violators' personal property for safekeeping if they are unable to remove it. Indicate on the property receipt for the person from whom you are taking the property that the property is to be destroyed if not claimed by its owner within 30 days.
 - o "Personal property"• means any item not of evidentiary value that is reasonably recognizable as belonging to a person and that has apparent utility.
 - o Items that have no apparent utility or are in an unsanitary condition may be immediately discarded upon removal of the offender from the campsite.

2. Camping in City Parks

Illegal campers found in City parks during hours the parks are closed may be cited or arrested for violation of park rules.

Park Rules

Full park rules are available at: <http://www.eugene-or.gov/DocumentCenter/Home/View/3737>

Below is a listing of those rules most frequently impacting people experiencing homelessness.

1.003 Park Rules - Hours Parks and Open Space Areas are Closed

(1) Unless a specific exemption has been granted by the City Council, between the hours of 11:00 p.m. of one day and 6:00 a.m. of the succeeding day, no person other than law enforcement or authorized personnel shall be in a park or open space unless driving, bicycling, walking, or otherwise moving through the park or open space on lawful business within the public street right-of-way or officially-designated bicycle path or sidewalk, or authorized to be in the park or open space by the City Manager or the City Manager's designee. In addition to any closures or reductions in services dictated by budgetary constraints, the Director of Public Works may temporarily close all or any portion of a park, open space, or facility upon finding that conditions that threaten the welfare or safety of nearby residents exist, and the need to preserve their welfare and safety outweighs the public's right of access to the park, open space, and/or facility. The Director of Public Works' determination shall be by Administrative Order, shall contain the required findings, set forth the specific area that is closed to entry, the date of closure, and the date upon which it will be reopened. Clearly visible signs shall be posted at park or open space entry points and such other locations deemed appropriate by the Director of Public Works advising the public that entry is prohibited and the penalty for violation. No person other than law enforcement officers or authorized personnel may enter or remain within a park, open space, or facility during the closure period set forth in the Director of Public Works' order.

1.005 (2) Park Rules Enforcement by City of Eugene Police Officers.

(a) In addition to any other existing authority for citation and/or arrest, if a violation of these rules takes place in the presence of a police officer, the violator may be subject to arrest by the officer, or, the officer may issue a misdemeanor citation in lieu of arrest.

(b) A police officer may also take into custody or issue a misdemeanor citation for trespass to a person if the officer is contacted and advised that authorized City personnel or other person in lawful charge of premises has placed the violator under arrest for trespass for:

1. Failure to comply with a request by authorized City personnel or other person in lawful charge of the premises to leave the park area, open space area, recreational facility, or activity; or
2. Violation of a previously issued Notice of Restriction of Use issued pursuant to subsection (3) of this section which excludes the violator from park and open space areas, recreational facilities or activities.

1.005 (3) Notice of Restriction of Use.

(a) The City may, in its discretion, notify any person who engages in conduct in a park, open space, recreational facility or at a City sponsored activity that results in the person being asked to leave the park area, open space area, recreational facility, or activity, being issued a Notice of Rule Violation pursuant to subsection (1)(a)3. of this section, being arrested or cited by a police officer for any violation of park and open space rules, the Eugene Code, 1971, or state or federal law, that they are prohibited from future use of City parks, open space, or facilities, or from participation in City sponsored programs or activities, and their entry therein or thereon will constitute trespassing and that further legal action will be taken accordingly.

1.007 Park Rules - Possession or Consumption of Hard Liquor and Alcoholic Liquor.

(1) Definitions. For purposes of this Rule, alcoholic liquor and hard liquor mean:

(a) Alcoholic liquor. An alcoholic beverage containing more than one-half of one percent of alcohol by volume, including but not limited to beer, ale, porter, stout, and wine. (b) Hard liquor. An alcoholic beverage, including sweet wines and all spirituous liquors, containing 14 percent or more of alcohol by volume.

(2) Possession and Consumption.

(a) No person may consume hard liquor or possess a receptacle containing hard liquor that has been opened or had the seal broken or the contents partially removed in any park or open space.

1.010 Park Rules - Prohibited Activities.

In addition to any other prohibitions in these rules, the following activities are prohibited within a park or open space area: (1) Setting up or using an amplified sound system without the written permission of the City.

(2) Setting up or constructing any temporary structures or enclosures, including, but not limited to canopies, sleeping bags, artificial lighting generators, and tents, without written permission of the City.

(3) Operating or using any battery or vehicle operated noise-producing device in a manner that disturbs other park visitors.

(4) Participating in a disturbance or riotous behavior that interferes with the reasonable use by the general public of the park, open space, or facility.

(5) Using a metal detector within a park or open space area without the written permission of the City.

(7) Playing golf outside of the areas designated for golf.

(8) Playing sports or engaging in other activities in areas set aside for organized sports activities during a time when such areas are scheduled by the City for use without the written permission of the City.

(9) Organized non-City sponsored sports activities on athletic facilities without written permission from the City.

(10) Organized group events such as picnics, weddings, etc. within the Hendricks Park Rhododendron Garden section, as such activities would disturb the tranquility of the area.

(11) Wading, swimming or bathing in any of the pools, ponds, or canals of Alton Baker Park.

(12) Unless necessary to assist a disabled person, as defined in ORS 174.407, or a child under the age of eight years old, with his or her use of a restroom, no more than one person at a time may occupy a restroom stall in any park or open space area.

(13) Engaging in any commercial or special use of a park, open space area, or park facility such as, but not limited to, commercial photography and production of videos or movies without first obtaining a license or permit therefore from the City. No license or permit shall be issued for commercial photography or video for advertising purposes or for movie production within the Owen Memorial Rose Garden or Hendricks Park Rhododendron area, or for any activity in any other park or open space area that would restrict use of the area by the general public for an extended period of time.

(14) Engaging in any activity or conduct within a park, open space area, or park facility that is prohibited by these rules, state statutes, the Eugene Code, 1971, or posted signs.

(15) Engaging in any activity or conduct which is disruptive or incompatible with the appropriate use of the premises or which interferes with the reasonable use and enjoyment of the park, open space area, or park facility by others, including, but not limited to, using playground equipment, picnic tables or picnic shelters for reasons other than their intended use.

(16) Engaging in any activity or conduct which is disruptive or interferes with the enjoyment by others of City sponsored park, open space, or recreational programs or activities.

(17) Engaging in any of the above activities, or other activities such as, but not limited to, demonstrations, vending, or still photo sessions in a manner that blocks a park or open space entrance or pathway, or interferes with the intended use of that portion of the park or open space.

(18) Entering in or upon a park facility, open space, or park area during the period of time the facility or area is rented or reserved for use by others, and failing to leave the facility or area when requested to do so by the person renting or reserving the park facility, open space, or park area.

(19) Entering in or upon a park facility, open space, or park area, or a portion of such an area, that is posted, delineated, fenced, or barricaded to close it to public use.

1.020 Park Rules - Unclaimed Articles.

No person shall leave personal property unattended. An article found in a park or open space area or facility shall be turned over to the City department responsible for the park area, open space area, or facility and disposed of in accordance with applicable city and state law.

1.071 Park Rules - Glass Beverage Containers.

Except as authorized in writing by the Executive Director or as authorized by a valid park use permit, no person may possess a beverage container made of glass in any City park, open space area, or County park within the City limits, or bring, carry or transport any beverage container made of glass into any City park, open space area, or County park within the City limits.

1.074 Park Rules - Parks and Open Space Division Hearing and Appeal Procedure.

(1) Any person who has received a notice issued pursuant to subsections (3)(a) or (3)(b) of Rule 1.005 that restricts their future use of park or open space areas may request an informal hearing to contest the notice.

GENERAL ORDER	SERIES 308	NUMBER 11	EFFECTIVE DATE 12-31-93
SUBJECT CIVIL DISPUTES	DISTRIBUTION B		
	ORIGINATING UNIT POM		

PART I - Responsibilities and Procedures for Members

- A. Limitations
- B. Procedure

PART I

A. **Limitations**

- 1. We only become involved in civil disputes to keep the peace and to prevent crime.

B. **Procedures**

- 1. Civil cases usually come to our attention because a situation (argument, for example) has escalated to the point that one of the participants either believes that a crime has occurred or will occur.
- 2. Stabilize and calm the situation, and find out if a crime has occurred.
- 3. If a crime has occurred, respond accordingly.
- 4. If a crime has not occurred, counsel the persons about the correct course of action and deter them from committing a crime.
- 5. You may not give legal advice, or recommend the services of any specific private individual or company (law firm or ~~mediation~~-counseling service). (see "Endorsement," under "Conduct.") The only exception to this is referring citizens to the mediation service currently under contract with Eugene Police.



MEMORANDUM

300 Country Club Road
Eugene, Oregon 97401
(541) 682-5852
www.eugene-or.gov

Date: August 15, 2013
To: Mayor Kitty Piercy
From: Police Commission Review Panel for Police Commission Applicants
Jesse Lohrke, James Manning, Bob Walker
Subject: Recommendations and Comments from Panel

On Wednesday, August 15, we had the pleasure to meet briefly with the three applicants for the Eugene Police Commission vacancy. We had brief conversations with each candidate, and asked a series of questions designed to help us make recommendations which may be useful to you as you nominate someone to fill that vacancy. We are pleased to report that all three candidates were excellent, and we recommend all three for consideration. Below is a summary of the questions asked and scores received. Each response was evaluated on a 1-7 scale, with 7 being the best score. The individual scoring sheets are also available upon request.

Thank you for the opportunity to provide our input, and for the opportunity to serve on the Police Commission.

	<u>Raquel Hecht</u>	<u>William F. Whalen</u>	<u>Philip A. Carrasco</u>
1. Please tell us what experience you have working with public agencies to help develop policies and make recommendations on agency resources?			
Score 1	6	6	6
Score 2	7	7	7
<u>Score 3</u>	5	5	6
Average Score	6.0	6.0	6.3
2. What do you think are the three most critical policing issues? How would you address them?			
Score 1	6	7	5
Score 2	7	7	7
<u>Score 3</u>	5	6	5
Average Score	6.0	6.7	5.7
3. The Police Commission is to help ensure that policies represent community values. How would you ascertain what community values in Eugene are?			
Score 1	6	7	6
Score 2	7	7	7
<u>Score 3</u>	4	6	4
Average Score	5.7	6.7	5.7
Overall Average	5.9	6.4	5.9



Protect. Serve. Care.

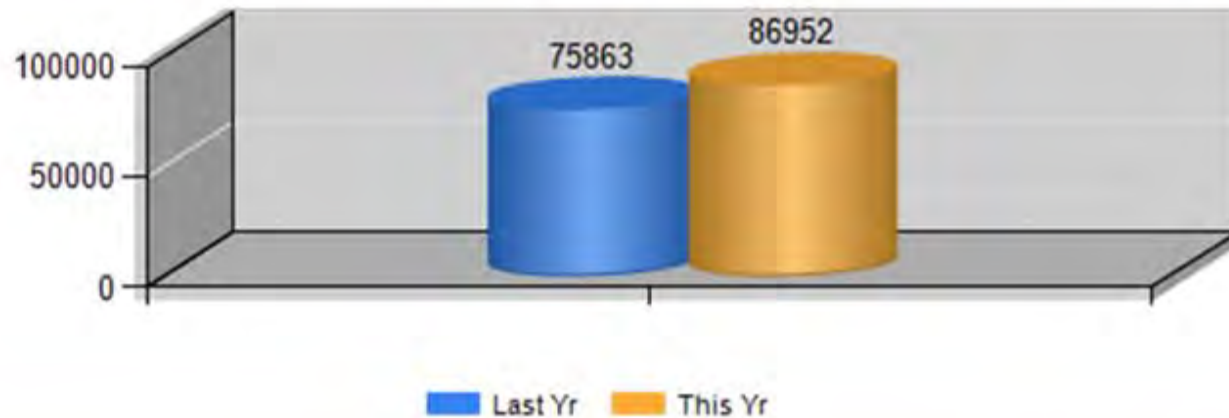
Chief's Report to the Police Commission



September 2013

Total Call for Service Comparison 2012-2013

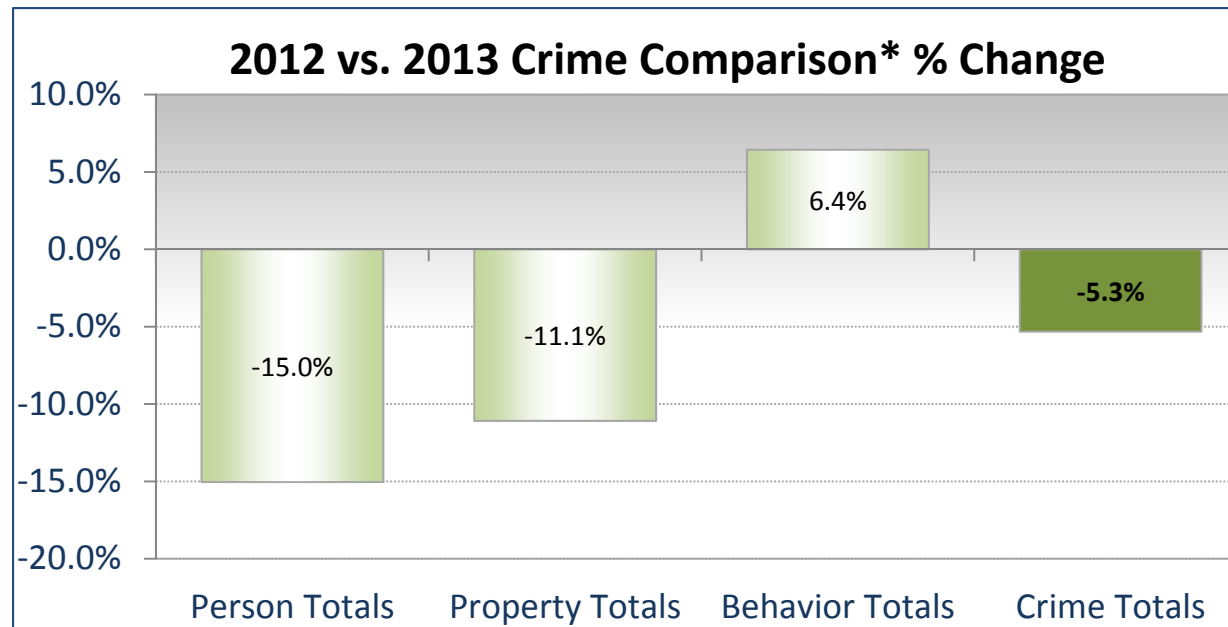
Total Call for Service YTD Comparison 2012 vs 2013



Call Type	1/1/2012-08/30/2012	1/1/2013-08/30/2013	% Change
Calls for Service	41424	47068	13.62%
Traffic Stops	11143	13308	19.43%
Person Stops	6875	8290	20.58%
Other	16421	18286	11.36%
Total Calls for Service	75863	86952	14.62%

Calls for service represents all calls coming into Central Lane 911 and are not a true indicator of crimes. It is an indicator of calls.

2012 vs. 2013 Crime Comparison

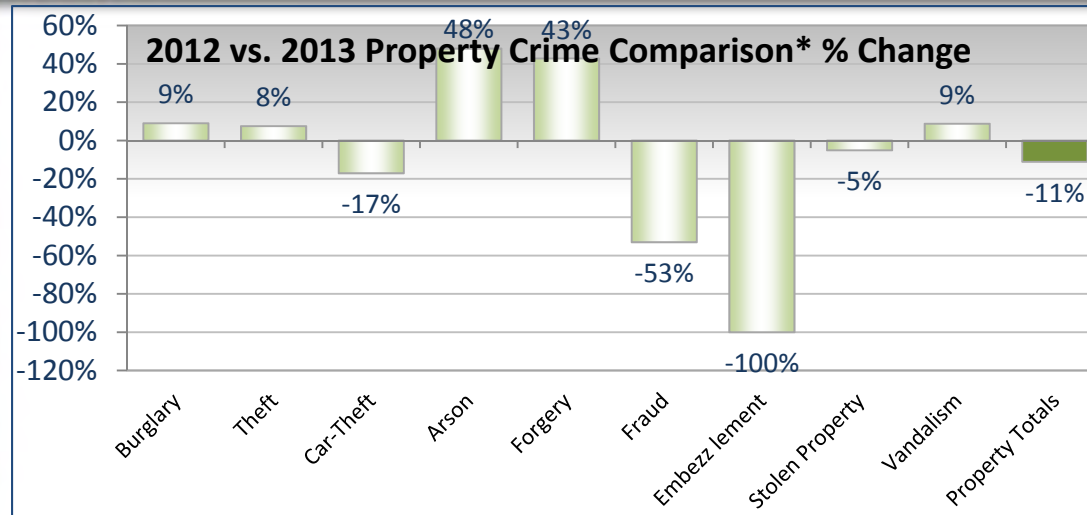


2012 vs. 2013 Crime Comparison*

Year	2012	2013	Diff	%
Person Totals	1,004	853	-151	-15.0%
Property Totals	5,755	5,117	-638	-11.1%
Behavior Totals	3,649	3,884	235	6.4%
Crime Totals	10,408	9,854	-554	-5.3%

*Data through May
2013

2012 vs. 2013 Property Crime Comparison



If the Fraud category is removed, there is an 8% increase YTD in Property Crimes

2012 vs. 2013 Property Crime Comparison*

	Year	2012	2013	Diff	%
Property Crime	Burglary	553	603	50	9%
	Theft	2,264	2,435	171	8%
	Car-Theft	229	190	-39	-17%
	Arson	25	37	12	48%
	Forgery	112	160	48	43%
	Fraud	1,773	833	-940	-53%
	Embezzlement	2	0	-2	-100%
	Stolen Property	59	56	-3	-5%
	Vandalism	738	803	65	9%
	Property Totals	5,755	5,117	-638	-11%

*Data through May 2013

2012 vs. 2013 Crime Comparison

2012 vs. 2013 DLP Crime Comparison*

DLP Property Crime Detail	Year	2012	2013	Diff	%
	Residential Burg	380	444	64	17%
	Commercial Burg	111	140	29	26%
	Other Burg	62	19	-43	-69%
	Pickpocket	3	1	-2	-67%
	Shoplift Theft	497	464	-33	-7%
	From Vehicle Theft	857	807	-50	-6%
	Vehicle Parts Theft	74	77	3	4%
	Bicycle Theft	210	335	125	60%
	Fr Pub Build Theft	260	296	36	14%
	Other theft	363	455	92	25%
	Automobile Theft	139	130	-9	-6%
	Trk, Van, Bus Theft	55	43	-12	-22%
	Motorcycle Theft	9	11	2	22%
	Other Veh Theft	26	6	-20	-77%
	DLP Totals	3,046	3,228	182	6%

*Data through May 2013

Chief's Monthly Activities

- Downtown Team Mid-Season Check-in
- EPEA Union Bargaining Meetings
- Sponsors Ground Breaking Ceremony
- One on One Employee Meetings
- Safety Town Graduation
- Community Court Presentation
- Captain Process
- Accreditation Policy Discussion
- Budget Committee Workshop
- Chief Quarterly Meeting
- Gang Steering Committee
- INET Board
- Downtown Public Safety Committee
- Council and Exec Briefings
- Downtown Policy Team
- Sunguard (RMS) Update
- Council Work Session
- Executive Meet and Greet
- Ride Along (Patrol)



In the News



★ Vehicle Involved Pedestrian Death Investigation -
Ferry Street Bridge

★ Vehicle Compliance Program - Fix it or
Ticket

★ Safety Town Graduation of 140 Pre-Kindergarten Students

★ Sunday Streets Bethel and Downtown
Events

★ 11 Year Old Boy Helps Police Locate Suspect

★ Armed Residential Burglar Caught in the Act

★ Vehicle Crash Leads to 12lb Marijuana Seizure and Two DUII Arrests

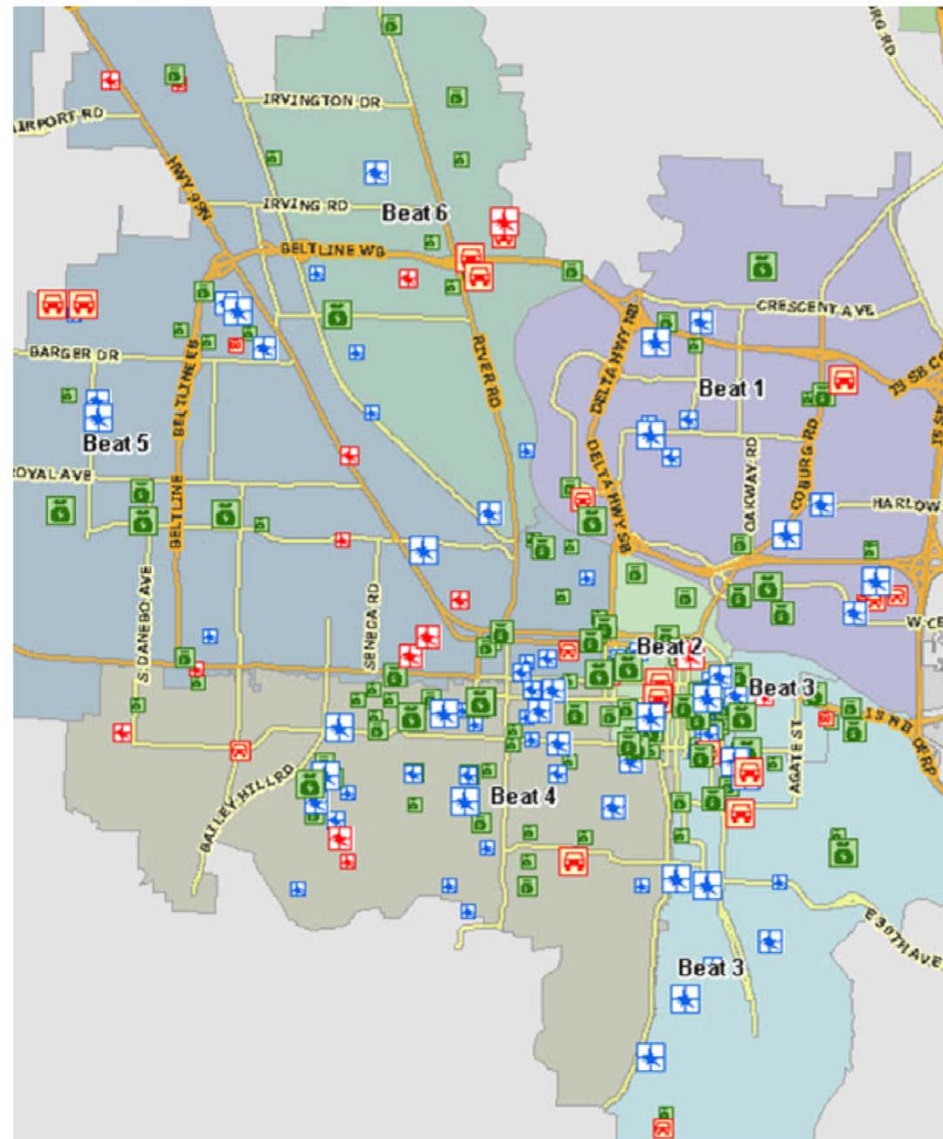


The seal of the Eugene Police Department is visible in the background. It features a five-pointed star with a central circular emblem. The emblem contains a smaller star and the words "CITY OF EUGENE" and "STATE OF OREGON". The word "POLICE" is written across the bottom of the star.

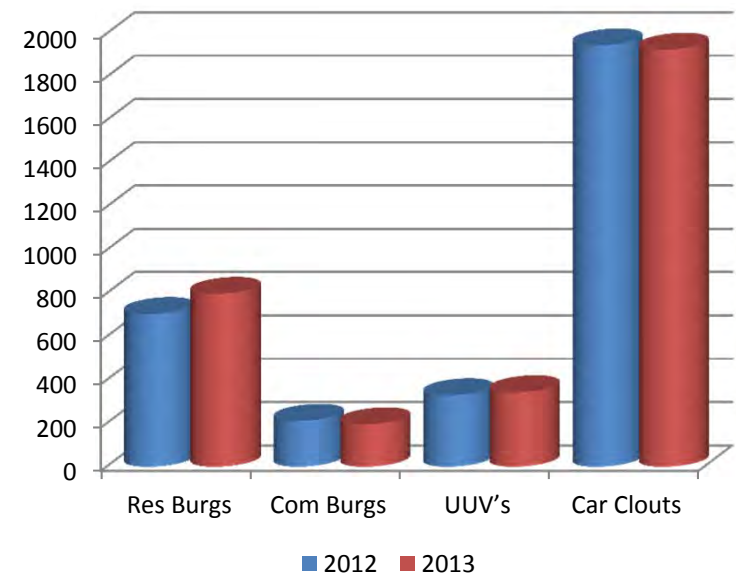
Hot Spot Maps

Four Weeks City Wide/YTD Numbers

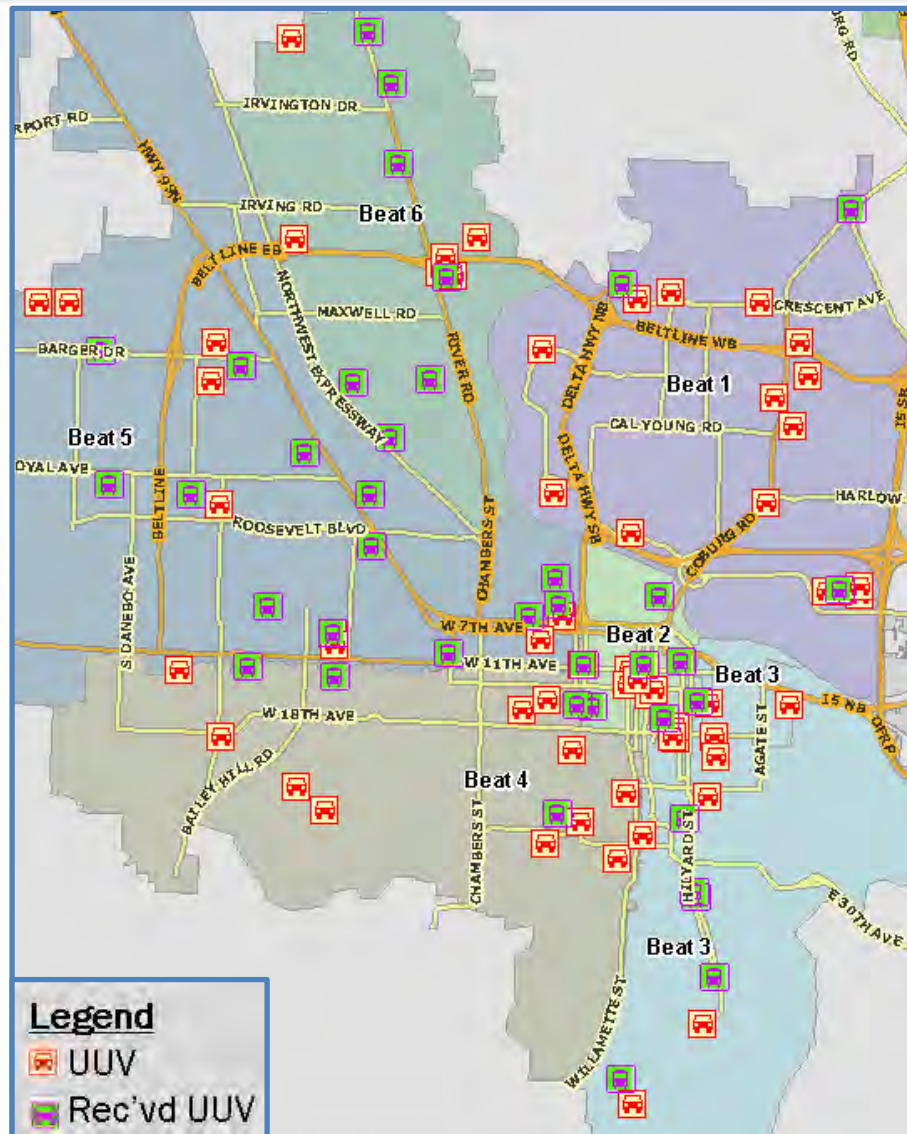
PROTECT.SERVE.CARE.



	YTD Comparison			
	2012	2013	Diff	% Chg
Res Burgs	705	798	93	13.2%
Com Burgs	212	196	(16)	-7.5%
UUV's	330	344	14	4.2%
Car Clouts	1946	1926	(20)	-1.0%



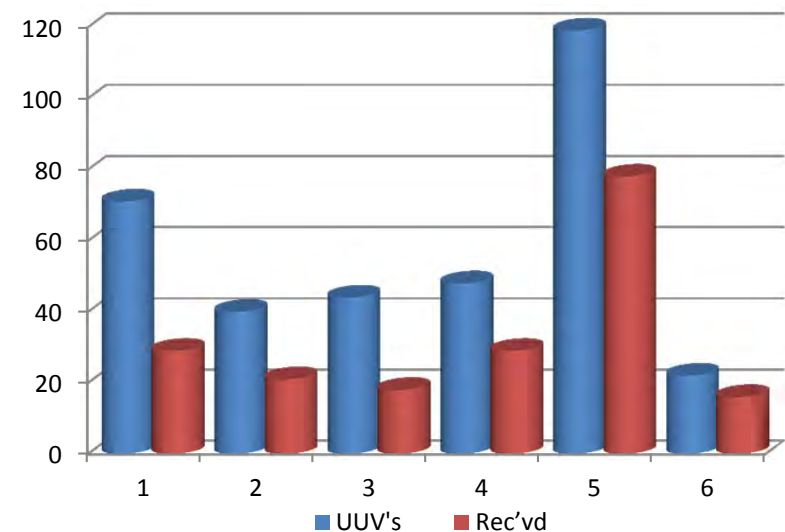
Year to Date Unauthorized Use of Vehicle (UUV) Stolen and Recovered



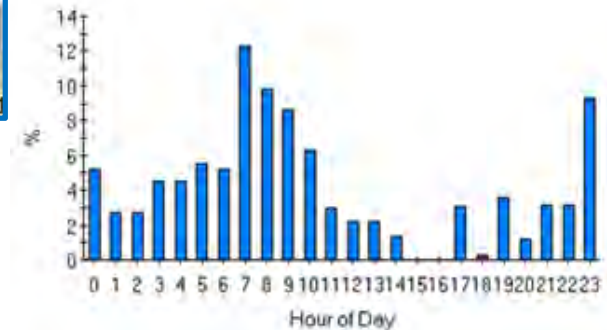
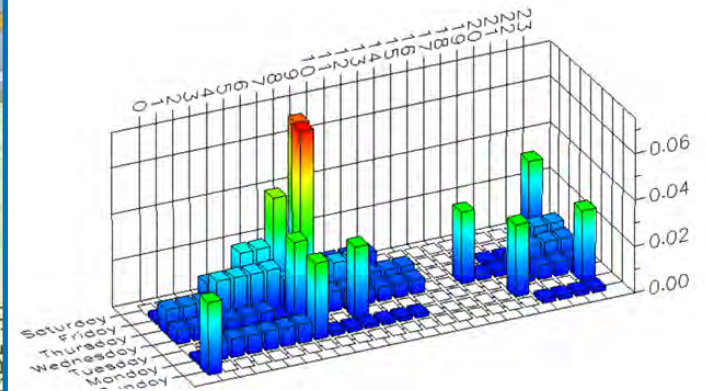
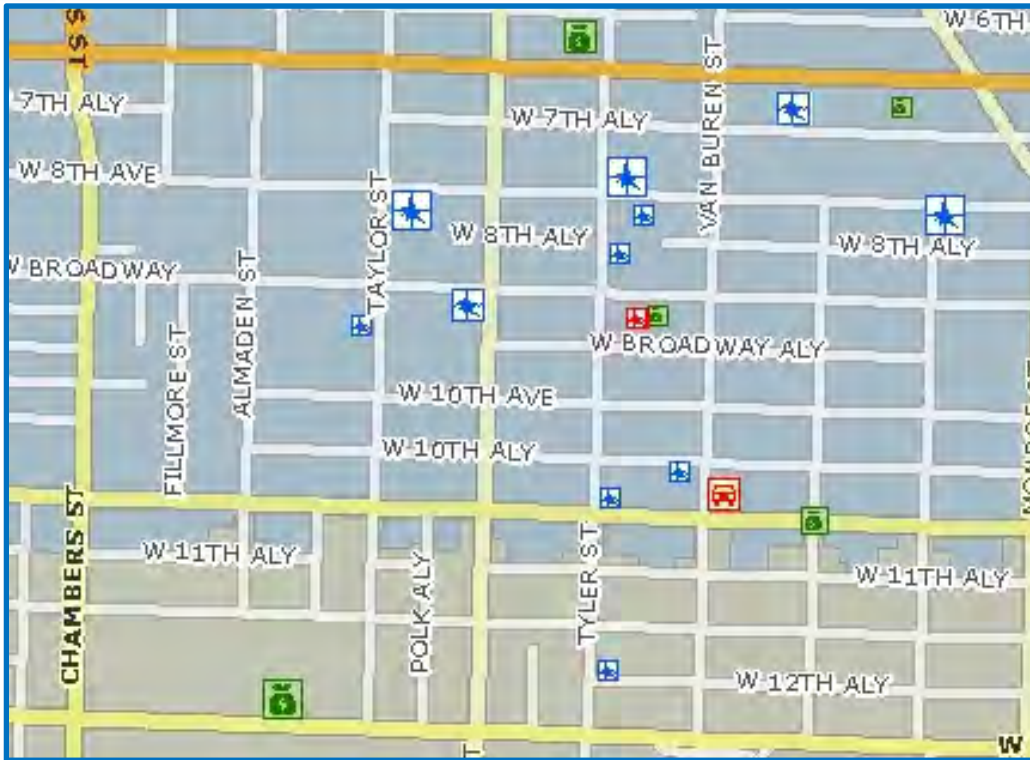
07/16/13 to 08/26/13

January 1 to August 26, 2013		
Beat	UUV's	Rec'vd
1	71	29
2	40	21
3	44	18
4	48	29
5	119	78
6	22	16
Total	344	191

55.5% Recovery Rate



CAU Recommended Area of Focus



Recommended Focus

Where: W 7th Ave to W 13th Ave,
Chambers St to Monroe St

What: All DLP Crimes

When: All days with spike on
Thursday, Less activity Sun, Tues
0700-1100 hrs and 2300-0100 hrs

Looking Ahead

PERSONNEL

New Job Postings

- Captain Process Selection Completed
- AIC Public Safety Finance Manager – Closed August 16
- Police Sergeant Process – Five Candidates Selected
- Sr. Office Supervisor – closed August 2
- Property Evidence Specialist Selection Completed
- VIP Program Manager (Part-time) - Closed August 2
- Program Specialist – Closed August 21
- Pawn Program Coordinator – Closed August 31
- 9-1-1 Calltaker/Dispatcher (Lateral Recruitment) **Continuous**



America's Safest City

The Most Professional Agency



CITY OF EUGENE

POLICE COMMISSION

FY 2014 – FY 2015 WORK PLAN And FY 2013 ANNUAL REPORT

Police Commission Members

Kaitlyn Lange, Chair
Tamara Miller, Vice Chair
Mike Clark, City Councilor
Jim Garner
Linda Hamilton
Jesse Lohrke

James Manning
George Rode
Claire Syrett, City Councilor
Joe Tyndall
Bob Walker
Juan Carlos Valle

For more information on the Police Commission, please contact:

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Police Commission Mission Statement

The Eugene Police Commission recommends to the City Council, the City Manager, the Eugene Police Department, and the people, the resources, preferred policing alternatives, policies and citizens' responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership between the community and the Eugene Police Department that helps achieve safety, justice and freedom for all people in Eugene.

Police Commission Goals

As outlined in Ordinance 20398, the objectives of the Eugene Police Commission are to:

- 1) Increase communications between police and the community, leading to a greater understanding of the preferred policing alternatives for this city;
- 2) Identify police policy and resource issues related to preferred policing alternatives;
- 3) Decrease misunderstandings regarding the nature of adopted police policies, practices and approaches;
- 4) Provide input on police policies and procedures that reflect community values; and
- 5) Assist the city council in balancing community priorities and resources by advising it on police resource issues.

Background

The Eugene Police Commission is a twelve-member volunteer body that acts in an advisory capacity to the City Council, the Chief of Police and the City Manager on police policy and resource issues. The commission's enabling ordinance, adopted in December of 1998, requires that it develop a yearly work plan for City Council review and approval. Work plans follow a July 1 – June 30 fiscal year (FY) schedule. Major accomplishments over the past five years include the following highlights:

- Recommendations on several significant policies including Mental Health Crisis Response and Communication with People with Disabilities (FY 2009)
- Development of a Public Outreach Committee to strengthen the relationship between the public and the Police Department (FY 2009)
- Reviewed and made recommendations on the downtown exclusion zone ordinance (FY 2011)
- Worked with community around closure of Monroe Street Public Safety Station (FY 2012)
- Conducted community survey to determine public perception of Eugene Police Department (FY 2012)
- Reviewed and made recommendations on police policies related to search and seizure, use of canine, vehicle pursuits and holding facilities (FY 2012)
- Developed Outreach Toolkit to document efforts taken with closure of Monroe Street Station, and to provide template to facilitate community outreach on subsequent projects (FY 2012)
- Conducted an anonymous survey of EPD employees to ascertain department's understanding of Police Commission and its work (FY 2013)
- Held State of Public Safety Forum for the community (FY 2013)

Changes in the Police Commission Work Plan

Annual to Biannual Work Plan

At two successive Police Commission annual retreats, the commission discussed and ultimately decided to develop a biannual work plan, covering the next two fiscal years. The Commission recommends that it develops a two year plan to submit to the City Council for review, comment and approval. This allows the Commission to identify work that is longer in scope than can easily be conducted or described in a twelve month plan. Consistent with the Ordinance 20398, the Police

Commission will continue to submit to the City Council an annual report, drawn from the biannual report created every two years.

Reduction in the Commission Committees

In the recent past there have been two committees that have effectively served as standing committees, because their work has continued over numerous fiscal years. To increase the efficiency and focus of the Commission, and to work within available staff resources, the Commission will be eliminating these two committees. The changes in structure and the underlying work is described below.

- 1) Outreach and Resources Committee: The work of this committee is largely project based, developing the outreach strategies related to specific issues that arise within the commission. When no project is imminent, the committee has sought to improve the outreach practices of the Commission. Past work has included neighborhood outreach for the Monroe Street Station, oversight of a community and department survey to assess trust and understanding of the Police Commission and Department, development of an outreach toolkit, and development and completion of a State of Public Safety Forum. If outreach efforts are needed for a specific work item, an ad hoc, task- and time-specific committee may be sought.
- 2) Policy Screening and Review: This committee has worked with EPD staff in the review and public comment process for a major review and update of the EPD internal policy manual. While the department's review is not complete, it was determined that this is a major piece of work of the full commission. The Commission will be modifying its meeting schedule, similar to City Council meetings, to provide time during their monthly meeting to serve as a work session, to review and comment on the policies. This change is proposed to increase the input and engagement from the full Commission on this important work, and to provide the public and staff in attendance at the full Commission meetings better access to the full breadth and depth of the discussion on the policies being reviewed.

Shift in Focus

The Commission is seeking to shift the focus of the Police Commission. The intent is to focus more on the issues related to the Police Department that are of the greatest community concern. At its retreat in May 2013, a list of issues was raised that are of great community concern. To allow for the most meaningful issues to be addressed by the Commission, the Commission intends to quarterly review its upcoming work and select items from its list of community issues to address in the upcoming quarter. The work specific tasks related to any issue may differ, but in all cases the work will be designed to meet the Commission's goals, as listed above. The work on a specific issue may involve community forums, panels, a review of relevant policies or practices, or presentations from subject-area experts. In all cases, a specific desired outcome will be identified at the outset to assure the Commission remains focused on the goals of the specific work item.

Shift in Structure

In order to accommodate the work previously done by the Policy Committee, the Commission will hold a work session at the beginning of each meeting, to review and provide comments on the internal EPD policies. The balance of the meeting will be dedicated to the community issues identified in this plan, and scheduled quarterly, to assure the Commission is addressing the most relevant community issue as possible.

Community Issues to be Considered

Listed below is a preliminary list of issues to be considered by the Police Commission for further work. After each item is a brief summary of the kinds of information that will be considered and discussed. Further details will be developed as the items are scheduled and a more thorough work plan is developed.

- 1) Information on police contacts with different demographics and the data needed to assess
- 2) Serving immigrant populations
- 3) Services and public safety issues related to homelessness
- 4) Police services in light of budget
- 5) Crime reduction in light of jail, prison and court cuts
- 6) Use of force
- 7) Constitutional privacy – drones and automatic license readers
- 8) Eugene Police Department policies
- 9) Advocacy for public safety resources
- 10) Police budget allocation and grants
- 11) Strategy public safety funding
- 12) Police training manual
- 13) Responding to emerging issues

Quarterly, the Police Commission will discuss these issues and any emerging issues and determine which issue will be addressed next, what the specific goal for the Commission's involvement, and work plan to accomplish the goals for that work item.

Attached to this work plan is a report of the Commission's activities and achievements during FY 2013.

FY 2013 Year End Report

Police Commission Goals

As spelled out in the adopted bylaws, the Police Commission has five goals, which guide the Commission's annual work activities. The FY 2013 work plan is organized along the goals. Under each goal are the proposed work plan items that the Commission will work on during FY 2013.

Following each objective, a status is listed recounting the Commission's work on that item through June 30, 2012.

Goal 1 – Ensure that the policies and procedures of the Eugene Police Department protect the civil rights and liberties of everyone in Eugene.

Work Plan Objective 1.1 – Through continued Policy Screening and Review Committee, review policies to assure policies protect civil rights and liberties of everyone, including development of policies to address the safety of people in custody, and what to do with people in custody turned away from the Jail. ***Status: Reviewed policy of safety of people in custody. Department has not developed policy related to what to do with people turned away from the jail.***

Work Plan Objective 1.2 – Convene community groups to review domestic violence policies to assure the policies are effective, and protect the rights and liberties of everyone. ***Status: Held discussion at January and March Police Commission meetings. Received recommendations on changes.***

Goal 2 – Promote policing that respects and reflects Eugene's rich culture and diversity

Work Plan Objective 2.1 – Hold a student forum on the campus at the University of Oregon to solicit ideas and input from students. ***Status: University of Oregon requested that the forum be deferred, as the timing conflicted with forums held by UO regarding the arming of the new police department. Alternatives have been considered for next year.***

Work Plan Objective 2.2 – Through continued Policy Screening and Review Committee, review proposed EPD policies as they are converted to the new LEXIPOL format, to assure they reflect and respect Eugene's rich culture and diversity. ***Status: The Policy and Review Committee has reviewed and provided comments on the following policies: Code of Conduct, Social Security, Park Use Regulations, Civil Disputes, Person Stops, Trespass Letters.***

Goal 3 – Increase communications, understanding and trust between police and the people in Eugene

Work Plan Objective 3.1 – Through forums and panels proposed for FY 2013, increase communication and understanding and trust between police and the people in Eugene. ***Status: A State of Public Safety Forum is scheduled for June 27.***

Work Plan Objective 3.2 – Develop better way to respond to public comments in meetings, to improve sense of Commission engagement and response to public comments. ***Status: The topic has been referred to the Public Outreach Committee.***

Work Plan Objective 3.3 – Coordinate joint meetings with the Citizen Review Board and Human Rights Commission to increase mutual understanding and trust. **Status: A joint meeting was held with the Civilian Review Board in September. A joint meeting is scheduled for May 29 with the Human Rights Commission to discuss alternatives to the Downtown Public Safety Zone.**

Goal 4 – Encourage problem solving and partnerships between people, neighborhoods and other agencies and police

Work Plan Objective 4.1 – Organize and hold a community panel on the State of Public Safety. **Status: This Panel will be held June 27. Invited panelists include the District Attorney, Municipal Court Presiding Judge, Eugene Police Chief, Director of St. Vincent de Paul's, Police Auditor, and Lane County Sheriff.**

Work Plan Objective 4.2 – Pursue including hate crimes work in with Gang Symposium scheduled in Fall 2012. **Status: Met with planners of the Gang Symposium in July, and due in part to feedback from the Police Commission, the Symposium facilitator selected had significant expertise and experience in hate crimes. The definition of "gang" was created to include gangs which engage in hate crimes.**

Goal 5 – Provide fair opportunities for the public and criminal justice professionals to comment and participate in the commission's work recognizing the interconnectedness of the criminal justice system

Work Plan Objective 5.1 – Coordinate and organize a panel to discuss the State of Public Safety, to garner community support **Status: This Panel will be held June 27. Panelists include the District Attorney, Municipal Court Presiding Judge, Eugene Police Chief, Director of St. Vincent de Paul's, Police Auditor, and Lane County Sheriff.**

Work Plan Objective 5.2 – Through community discussions about domestic violence, and participation in the gang symposium, provide opportunities for the public to comment about these aspects of criminal justice. **Status: Held discussion at January and March Police Commission meetings. Received recommendations on changes.**

An additional priority objective was developed regarding reviewing resources, meeting schedules and balancing the priorities of the Commission. While this does not fit in the adopted Commission goals, in FY 2013 it will be critical for the Commission to continually review and assess its priorities and resources. The Police Department has redirected staff resources from the Police Commission to perform duties formerly completed by vacant positions. Up to approximately 510 hours of staff time are available and can be contributed to the Commission's work plan. **Status: Fewer committee meetings and abbreviated minutes have helped reduce the staff time demands for the Police Commission. Continued review and assessment of commission priorities and resources will remain critical.**